

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America,)	C/A No.: 4:02-cr-992-JFA
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Brandon Leon Basham,)	
)	JUDGE JOSEPH F. ANDERSON, JR.
Defendant.)	
)	

This matter comes before the court on Defendant Brandon Leon Basham’s Motion Authorizing Visits with Defendant. The defendant has requested that this court issue an order directing the United States Prison at Terre Haute to allow for a confidential visit between Basham and Dr. Donna Schwartz-Watts, a forensic psychiatrist retained by Basham’s counsel for purposes of evaluating Basham’s competency to waive further proceedings. Defendant’s counsel has indicated that they spoke with Katherine Siereveld, an attorney with the prison at Terre Haute—she indicated that the prison had no objection to the expert’s visit but that they require a court order due to the high security nature of Basham’s confinement. The government has opposed Basham’s motion, arguing that Basham had not authorized the motion and that a visit by Dr. Schwartz-Watts would be unwarranted. Counsel for the defendant replied, indicating that Basham had consented to being evaluated by Dr. Schwartz-Watts and further arguing that Dr. Schwartz-Watts is an appropriate defense expert.

This court is amenable to authorizing Dr. Schwartz-Watts to evaluate Basham. However, the court does not wish to have Basham's competency hearing delayed any longer. The competency hearing is currently set for February 23, 2012 in Indianapolis, Indiana. Counsel for the defendant has indicated to this court that Dr. Schwartz-Watts is available to meet with the defendant on January 9, 2012. To ensure that the competency hearing is not delayed, this court will order Dr. Schwartz-Watts to submit a report detailing her opinion of Basham's competency no later than 10 days after she meets with the defendant.

After reviewing the parties' submissions on this motion, this court hereby grants Defendant's motion. Accordingly, this court hereby orders the United States Prison at Terre Haute to allow for a confidential visit between Basham and Dr. Donna Schwartz-Watts. Furthermore, this court orders Dr. Schwartz-Watts to submit a report detailing her evaluation of Basham's competency no later than January 19, 2012.

IT IS SO ORDERED.

December 7, 2011
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge